

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSE GUTIERREZ

Petitioner,

v.

No. CIV. 15-611 KG/SCY

TIMOTHY HATCH, Warden,

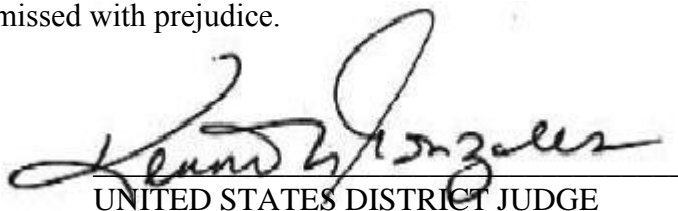
Respondent.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION AND DISMISSING CASE**

THIS MATTER is before the Court on Petitioner Jose Gutierrez's 28 U.S.C. § 2254 motion for a writ of habeas corpus. (Doc 1). On November 25, 2015, Magistrate Judge Steven C. Yarbrough filed Proposed Findings and Recommended Disposition ("PFRD") advising that the Court dismiss Petitioner's claims. (Doc. 9). According to his analysis, Petitioner's claims are time-barred and not preserved by statutory or equitable tolling. Petitioner has filed no objections to the PFRD, thereby waiving his right to review of the proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, upon review of the record, the Court concurs with the Magistrate Judge's findings and recommendations.

IT IS THEREFORE ORDERED THAT:

1. The Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 9) is ADOPTED; and
2. Petitioner's claims are dismissed with prejudice.



UNITED STATES DISTRICT JUDGE